IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 19284 of 2003

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Between:

K. Prem Kumar, S/o. K. Sadasivaiah, Hindu, M/s.

Gowrishankar Stone Polishing Industry,
Damercherla (V & M), Nalgonda District.

..... PETITIONER

AND

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1 The Divisional Engineer Electrical Operation, A.P.

Central Power Distribution Company Limited,
Miryalaguda, Nalgonda District.

2 The Superintending Engineer, Operation Circle, A.P.

Central Power Distribution Company Limited, Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction more particularly in the nature of Mandamus declaring the proceedings of the 1st Respondent bearing No. DEE/OP/MLG/Comm1/F.No./D.No. 633/03, dated 5-6-2003 as confirmed by the 2nd Respondent in appeal by his proceedings bearing No. SE/OP/NLG/Com1./F.No. /D.No.2732/03, dated 30-8-2003 as illegal, arbitrary and violative of principles of natural justice and set aside the same.

Counsel for the Petitioner: MR.K.MALLIKARJUNA RAO

Counsel for Respondents: Kanakamedala Ravindra Kumar

The Court made the following ORDER:

Heard both sides. At their request the main writ petition is taken up for final disposal.

The petitioner, who is a consumer of the electricity, filed this writ petition inter alia seeking a Writ of Mandamus to declare the proceedings of the first respondent bearing No.DEE/OP/MLG/Comml/F.No./ D.No.633/03, dated 5-6-2003 as confirmed by the second respondent in appeal by the proceedings bearing No.SE/OP/NLG/Coml./F.No./D.No.2732/03 dated 30-8-2003 as illegal, arbitrary.

Admittedly the petitioner has filed an appeal against the order dated 5-6-2003 of the first respondent and the same is still pending before the appellate authority, which has granted permission for the petitioner to pay the amount demanded, in two monthly instalments. However, this court has granted interim direction of the demand on condition that the petitioner deposits a sum of Rs.35,000/- within two weeks. In view of the fact that the appeal is pending, it is not necessary to go into the merits of the case.

Accordingly, the Writ Petition is disposed of directing the petitioner to pay half of the demanded amount within a period of four weeks from today and if any amount already paid may be given credit to. On such payment, the respondents are directed not to take any coercive steps to disconnect the power supply of the petitioner. The appellate authority shall dispose of the appeal itself on merits, after giving notice and opportunity to the petitioner. No costs.

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B. Prakash Rao, J.

20th July, 2004

js.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Divisional Engineer Electrical Operation, A.P.

Central Power Distribution Company Limited,
Miryalaguda, Nalgonda District.

2 The Superintending Engineer, Operation Circle, A.P.

Central Power Distribution Company Limited, Nalgonda.

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